

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan



Southern Division

30

DANTE K MUHAMMAD

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

U.S. DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT,
GINNIE MAE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case: 2:19-cv-11117

Judge: Cohn, Avern

MJ: Patti, Anthony P.

Filed: 04-17-2019 At 12:39 PM

CMP DANTE K. MUHAMMAD V U.S. DEPART
MENT OF HOUSING AND URBAN DEVELOPMENT.

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	DANTE K MUHAMMAD
Street Address	24604 Templar Avenue
City and County	Southfield / Oakland
State and Zip Code	Michigan 48075
Telephone Number	
E-mail Address	

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name	U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Job or Title <i>(if known)</i>	Deborah R. SnowdenOffice of the Executive Secretariat
Street Address	451 7th St., S.W., Room 10139
City and County	Washington
State and Zip Code	DISTRICT OF COLUMBIA, 20410
Telephone Number	(202) 708-3054
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
Job or Title <i>(if known)</i>	Maren Kasper, Acting President / EVP & CEO
Street Address	Capitol View, 425 3rd Street SW
City and County	Washington
State and Zip Code	DISTRICT OF COLUMBIA, 20024
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

B. If the Basis for Jurisdiction is Diversity of Citizenship

2. The Defendant is a corporation -

Government National Mortgage Association, HUD

§ 320.3

the issuer to become ineligible to issue and service the Association's mortgage-backed securities and constitute a default under the applicable guaranty or contractual agreement whether or not the issuer qualified for new issuer approval on the basis of FNMA or FHLMC approval;

(3) Have management with adequate experience, and access to adequate facilities to issue or service mortgage-backed securities, as determined by the Association;

(4) Maintain the applicable minimum net worth discussed in paragraph (c) of this section; and

(5) Meet the requirements, conditions, and limitations prescribed by the Association in this part or the applicable MBS Guides.

(b) *Time of eligibility.* The Association shall not commit to guarantee, or guarantee any issue of mortgage-backed securities unless the mortgage lender requesting such commitment or guaranty qualifies as an eligible issuer both at the time of commitment approval and at the time of the issuance of the guaranty.

(c) *Net worth requirements.* Issuers shall maintain at all times a net worth acceptable to the Association of not less than the applicable minimum amount. The applicable minimum amount shall be published in the MBS Guides.

(d) *Disqualification.* A mortgage lender shall not qualify as an eligible issuer at any time in which:

(1) The lending policies of the issuer permit any discrimination based on race, religion, color, national origin, age, or sex of a borrower; or

(2) The issuer is not in compliance with any rules, regulations, or orders issued under title VI of the Civil Rights Act of 1964; Executive Order 11063, Equal Opportunity in Housing, November 20, 1962; Executive Order 11246, Equal Employment Opportunity, issued on September 24, 1965 and amended on October 13, 1967; title VII of the Civil Rights Act of 1968; title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Amendments Act of 1988; or by the FHA or VA.

(e) *Ethics and standards.* A mortgage lender shall qualify as an eligible issuer only so long as it conducts its

business operations in accordance with accepted mortgage banking practices, ethics, and standards, as determined by the Association, and maintains its books and records in accordance with generally accepted accounting principles.

(f) *Change in control.* Issuers shall notify the Association of any change in issuer control. A change in control occurs whenever a new party obtains significant influence over an issuer, as defined by the Association. In a merger where the surviving party is not the approved issuer and in a consolidation, the surviving party must apply formally for approval as a new issuer prior to the merger or consolidation taking place. In other business combinations, such as a stock sale of an existing issuer, which result in a change in control of issuer, the issuer shall demonstrate that it continues to meet all issuer eligibility requirements prior to the business combination being finalized.

(g) *Cross-Default.* Related issuers, as defined by the Association, shall execute a cross-default agreement, in a form prescribed by the Association, that authorizes the default of one or more related issuers in the event of a default by any one of the related issuers. Issuers may be granted an exemption from this section, provided that they submit a legal opinion, acceptable to the Association, which demonstrates that the execution of a cross-default agreement would be prohibited by the issuer's Federal regulator.

(h) *Failure to comply.* In the event that an issuer subsequently fails to comply with any of the requirements prescribed in this part or the applicable MBS Guide, as determined by the Association, the Association may, among other things, withhold further commitments to guarantee securities until such time as the Association is satisfied that the issuer has resumed business operations in compliance with such requirements.

(Approved by the Office of Management and Budget under control numbers 2503-0003, 2503-0004, 2503-0006, 2503-0007, and 2503-0026)

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D. 117

B. If the Basis for Jurisdiction is Diversity of Citizenship

§ 300.17

any time, to alter or waive any of the requirements contained in this chapter or elsewhere or to impose other and additional requirements; it further reserves the right, without prior notice and at any time, to amend or rescind any or all of the material set forth herein.

§ 300.17 Audits and reports.

The Association and its designees may at any reasonable time audit the books and examine the records of any issuer, mortgage servicer, trustee, agent or other person bearing on compliance with the requirements of the Association's programs, and the Association may require reasonable and necessary reports from such persons.

PART 310—BYLAWS OF THE GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

AUTHORITY: 12 U.S.C. 1723 and 42 U.S.C. 3535(d).

SOURCE: 60 FR 42015, Aug. 14, 1995, unless otherwise noted.

§ 310.1 Bylaws of the Association.

The bylaws of the Association shall be duly adopted by the Secretary of Housing and Urban Development pursuant to section 308 of the National Housing Act (12 U.S.C. 1723) and shall govern the performance of the powers and duties granted to or imposed upon the Association by law.

PART 320—GUARANTY OF MORTGAGE-BACKED SECURITIES**Subpart A—Pass-Through Type Securities**

Sec.

- 320.1 General.
- 320.3 Eligible issuers of securities.
- 320.5 Securities.
- 320.7 Mortgages.
- 320.8 Excess Yield Securities.
- 320.9 Pool administration.
- 320.10 Financial reporting.
- 320.11 Insurance coverage.
- 320.12 Integrity.
- 320.13 Guaranty.
- 320.15 Default.
- 320.17 Fees.

24 CFR Ch. III (4-1-11 Edition)**Subpart B—Bond-Type Securities**

- 320.21 General.
- 320.23 Eligible issuers.
- 320.25 Securities.
- 320.27 Mortgages.
- 320.29 Guaranty.
- 320.31 Default.
- 320.33 Fees.

AUTHORITY: 12 U.S.C. 1721(g) and 1723a(a); and 42 U.S.C. 3535(d).

SOURCE: 60 FR 42015, Aug. 14, 1995, unless otherwise noted.

Subpart A—Pass-Through Type Securities**§ 320.1 General.**

The Association is authorized by section 306(g) of the National Housing Act (12 U.S.C. 1721(g)) upon such terms and conditions as it may deem appropriate, to guarantee the timely payment of principal of and interest on securities that are based on and backed by a trust or pool composed of mortgages which are insured or guaranteed by FHA, FmHA or VA. The Association's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States. This subpart is limited to "modified pass-through" securities, and does not purport to set forth all the procedures and requirements that apply to the issuance and guaranty of such securities. All such transactions are governed by the specific terms and provisions of the Association's Mortgage-Backed Securities Guides (MBS Guides) and contracts entered into by the parties.

§ 320.3 Eligible issuers of securities.

(a) *Eligibility requirements.* A mortgage lender, including an instrumentality of a State or local government, to be eligible to issue or service mortgage-backed securities guaranteed by the Association must satisfy all of the following standards:

- (1) Be in good standing as a mortgagee approved by the FHA;
- (2) Be in good standing as a mortgage seller or servicer approved by the Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), or the Association. Loss of either FNMA approval or FHLMC approval may cause

B. If the Basis for Jurisdiction is Diversity of Citizenship

2. The Defendant is a corporation -

PART 300—GENERAL

Sec.

300.1 Scope of chapter.

300.3 Description.

300.5 Creation and status.

300.7 Area of operations.

300.9 Office.

300.11 Authority of officers.

300.13 Power of attorney.

300.15 Exceptions.

300.17 Audits and reports.

AUTHORITY: 12 U.S.C. 1723a, unless otherwise noted, and 42 U.S.C. 3535(d).

SOURCE: 60 FR 42015, Aug. 14, 1995, unless otherwise noted.

§ 300.1 Scope of chapter.

This chapter consists of general information and does not purport to set forth all of the procedures and requirements that apply to the operations of the Association. Complete specific information as to any aspect of such operations may be obtained from the office listed in § 300.9.

§ 300.3 Description.

The Government National Mortgage Association (hereinafter in this chapter called the Association, GNMA or Ginnie Mae) furnishes fiduciary services to itself and other departments and agencies of the Government, and guarantees privately issued securities backed by trusts or pools of mortgages or loans which are insured or guaranteed by the Federal Housing Administration (FHA), the Department of Veterans Affairs (VA) or the Rural Housing Service (RHS) and certain other loans or mortgages guaranteed or insured by the Government. In the course of its business, the Association is referred to as GNMA or Ginnie Mae.

[66 FR 44265, Aug. 22, 2001]

§ 300.5 Creation and status.

The Association is a Government corporation in the Department of Housing and Urban Development. It is derived from the Federal National Mortgage Association, which was partitioned by the Congress into two corporations effective September 1, 1968, one of which is the Association. The operations of the Association are conducted under its statutory charter contained in title

III of the National Housing Act, 12 U.S.C. 1716, *et seq.*

§ 300.7 Area of operations.

The Association is authorized to conduct its business in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

§ 300.9 Office.

The Association directs its operations from its office located at 451 Seventh Street, SW., Washington DC 20410.

§ 300.11 Authority of officers.

The President, each Vice President, and each Assistant Vice President of the Association are severally expressly empowered in the name of the Association to sign all contracts and other documents, instruments, and writings which call for execution by the Association in the conduct of its business and affairs, and to encumber, mortgage, pledge, convey or otherwise alien any property which the Association may own or in which it may have an estate, right, title or interest. In addition, the President, each Vice President, each Assistant Vice President, the Secretary of the Association, each Assistant Secretary, the Treasurer and the Controller shall have the authority as may be provided in the Bylaws of the Association or as may be delegated to them in a manner not inconsistent with the Bylaws.

§ 300.13 Power of attorney.

In order to efficiently carry out the purposes of the Association, the Association may appoint any person its true and lawful attorney-in-fact by publication in the FEDERAL REGISTER or by appointment from the President of the Association in writing. Any such attorney-in-fact shall have the power outlined in the publication or appointment.

§ 300.15 Exceptions.

In the conduct of its affairs, in individual cases or classes of cases, the Association reserves the right, consistent with law, without prior notice and at

B. If the Basis for Jurisdiction is Diversity of Citizenship

2. The Defendant is a corporation -

CHAPTER III—GOVERNMENT NATIONAL MORTGAGE ASSOCIATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

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§§ 1401 to 1404

TITLE 42—THE PUBLIC HEALTH AND WELFARE

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 1437v. Demolition, site revitalization, replacement housing, and tenant-based assistance grants for projects.
 1437w. Transfer of management of certain housing to independent manager at request of residents.
 1437x. Environmental reviews.
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 1437z. Exchange of information with law enforcement agencies.
 1437z-1. Civil money penalties against section 1437f owners.
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 1437z-7. Mixed-finance public housing.
 1437z-8. Collection of information on tenants in tax credit projects.

SUBCHAPTER II—ASSISTED HOUSING FOR INDIANS AND ALASKA NATIVES

- 1437aa to 1437ee. Repealed.
 1437ff. Transferred.

SUBCHAPTER II-A—HOPE FOR PUBLIC HOUSING HOMEOWNERSHIP

- 1437aaa. Program authority.
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 1437aaa-4. Other program requirements.
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 1437aaa-6. Relationship to other homeownership opportunities.
 1437aaa-7. Limitation on selection criteria.
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SUBCHAPTER II-B—HOME RULE FLEXIBLE GRANT DEMONSTRATION

- 1437bbb. Purpose.
 1437bbb-1. Flexible grant program.
 1437bbb-2. Program allocation and covered housing assistance.
 1437bbb-3. Applicability of requirements under programs for covered housing assistance.
 1437bbb-4. Program requirements.
 1437bbb-5. Application.
 1437bbb-6. Training.
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SUBCHAPTER III—MISCELLANEOUS PROVISIONS

1438. Repealed.
 1439. Local housing assistance plan.
 1440. State housing finance and development agencies.

§§ 1401 to 1404. Omitted

CODIFICATION

Sections 1401 to 1404 were omitted in the general revision of the United States Housing Act of 1937 by Pub. L. 93-383, title II, § 201(a), Aug. 22, 1974, 88 Stat. 653.

Section 1401, acts Sept. 1, 1937, ch. 896, § 1, 50 Stat. 888; July 15, 1949, 338, title III, § 307(a), 63 Stat. 429; Sept. 23, 1959, Pub. L. 86-372, title V, § 501, 73 Stat. 679; Aug. 1, 1968, Pub. L. 90-448, title II, § 206(a), 82 Stat. 504; Dec. 31, 1970, Pub. L. 91-609, title II, § 211, 84 Stat. 1779, set out declaration of policy. See section 1437 of this title.

Section 1402, acts, Sept. 1, 1937, ch. 896, § 2, 50 Stat. 888; July 15, 1949, ch. 338, title III, §§ 302(b), 304(c), (i),

306, 307(b), 63 Stat. 424, 425, 429; Oct. 26, 1951, ch. 577, § 1, 65 Stat. 647; June 30, 1953, 170, § 24(c), 67 Stat. 128; Aug. 7, 1956, ch. 1029, title IV, § 404(a), 70 Stat. 1104; July 12, 1957, Pub. L. 85-104, title III, § 307, title IV, § 401(a), 71 Stat. 301; Sept. 23, 1959, Pub. L. 86-372, title V, §§ 502, 503(a), 504, 73 Stat. 680; June 30, 1961, Pub. L. 87-70, title II, § 202, 75 Stat. 163; Sept. 2, 1964, Pub. L. 88-560, title II, § 203(d), title IV, § 401(a), 78 Stat. 784, 794; Aug. 10, 1965, Pub. L. 89-117, title I, §§ 103(b), 104, 79 Stat. 457; Aug. 1, 1968, Pub. L. 90-448, title II, § 209(a), 82 Stat. 505; Dec. 24, 1969, Pub. L. 91-152, title II, § 213(a), title IV, § 403(a), 83 Stat. 389, 395; Dec. 31, 1970, Pub. L. 91-609, title II, § 208(a), title IX, § 903(c), 84 Stat. 1778, 1808; Dec. 22, 1971, Pub. L. 92-213, § 9, 85 Stat. 776, defined applicable terms. See section 1437a of this title.

Section 1403, acts Sept. 1, 1937, ch. 896, § 3, 50 Stat. 889; May 25, 1967, Pub. L. 90-19, § 2(b), 81 Stat. 20; Aug. 1, 1968, Pub. L. 90-448, title XVII, § 1719(a), 82 Stat. 610, created the United States Housing Authority in the Department of Housing and Urban Development.

Section 1404, acts Sept. 1, 1937, ch. 896, § 4, 50 Stat. 889; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; May 25, 1967, Pub. L. 90-19, § 2(a), (c), 81 Stat. 19, 20, provided for assistance of officers, etc., of other agencies and transfer of property to the Authority.

EFFECTIVE DATE OF 1969 AMENDMENT; APPLICABILITY

Section 213(b) of Pub. L. 91-152 provided that the rents fixed by public housing agencies not exceed one-fourth of a low-rent housing tenant's income be effective not later than ninety days after Dec. 24, 1969, and that the requirements not apply in any case in which the Secretary of Housing and Urban Development determined that limiting the rent of any tenant or class of tenants would have resulted in a deduction in the amount of welfare assistance which would otherwise have been provided to the tenant or class of tenants by a public agency.

§ 1404a. Secretary of Housing and Urban Development; right to sue; expenses

The Secretary of Housing and Urban Development may sue and be sued only with respect to its functions under the United States Housing Act of 1937, as amended [42 U.S.C. 1437 et seq.], and title II of Public Law 671, Seventy-sixth Congress, approved June 28, 1940, as amended [42 U.S.C. 1501 et seq.]. Funds made available for carrying out the functions, powers, and duties of the Secretary of Housing and Urban Development (including appropriations therefor, which are authorized) shall be available, in such amounts as may from year to year be authorized by the Congress, for the administrative expenses of the Secretary of Housing and Urban Development. Notwithstanding any other provisions of law except provisions of law enacted after August 10, 1948 expressly in limitation hereof, the Secretary of Housing and Urban Development, or any State or local public agency administering a low-rent housing project assisted pursuant to the United States Housing Act of 1937 or title II of Public Law 671, Seventy-sixth Congress, approved June 28, 1940, shall continue to have the right to maintain an action or proceeding to recover possession of any housing accommodations operated by it where such action is authorized by the statute or regulations under which such housing accommodations are administered, and, in determining net income for the purposes of tenant eligibility with respect to low-rent housing projects assisted pursuant to said Acts, the Secretary of Housing and Urban Development is authorized, where it finds such action equitable and in the public interest, to exclude

Supplement to
page 3 of 7

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* DANTE K MUHAMMAD, is a citizen of the State of *(name)* MICHIGAN.

b. If the plaintiff is a corporation

The plaintiff, *(name)*, is incorporated under the laws of the State of *(name)*, and has its principal place of business in the State of *(name)*.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)*, is a citizen of the State of *(name)*. Or is a citizen of *(foreign nation)*.

- b. If the defendant is a corporation — SEE Attached Supplement
 The defendant, (name) U.S. DEPARTMENT OF HUD, is incorporated under
 the laws of the State of (name) _____, and has its
 principal place of business in the State of (name) _____.
 Or is incorporated under the laws of (foreign nation) _____,
 and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

defendant owes the Plaintiff litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Defendant are unlawfully withholding records requested by Plaintiff pursuant to 5 U.S.C. § 552.

Plaintiff is being irreparably harmed by reason of Defendant's unlawful withholding of records responsive to Plaintiff's FOIA request, and Plaintiff will continue to be irreparably harmed unless Defendant is compelled to conform their conduct to the requirements of the law.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff is entitled to a ruling that from this court that HUD's failure to comply within the statutory time period is not justified.

Plaintiff respectfully requests that the Court: (1) retain jurisdiction to ensure compliance with the Court's decree; (2) order Defendant to produce, by a date certain, any and all non-exempt records to Plaintiff's FOIA request (3) enjoin Defendant from continuing to withhold any and all non-exempt records responsive to Plaintiff's FOIA request; (4) grant Plaintiff an award of litigation costs reasonably incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and (5) grant Plaintiff such other relief as the Court deems just and proper.

III. Statement of Claim

Plaintiff made a request for information on September 18, 2018 pursuant to 5 U.S.C. § 552 and to date has not received the information requested. FOIA provides that “[a]ny person making a request to any agency for records under paragraph (1), (2), or (3) of this subsection shall be deemed to have exhausted his administrative remedies with respect to such request if the agency fails to comply with the applicable time limit provisions” 5 U.S.C. § 552(6)(C)(i).

Plaintiff has exhausted all administrative remedies available to obtain records and does not agree to a different response timetable because of the excessive delay for the information requested.

Defendant – The United States Department of Housing and Urban Development, hereinafter referred to as HUD regulates the affairs of Defendant GNMA, and is a cabinet department in the Executive branch of the United States Federal Government.

HUD is administered by the United States Secretary of Housing and Urban Development and is obligated to adhere to 5 U.S.C. § 552 by responding to requests made that comply with the **Freedom of Information Act (FOIA)**, and the formal rules set forth in Chapter 15 of Volume 24 of the Code of Federal Regulations.

Defendant – the Government National Mortgage Association, hereinafter referred to as GNMA is the guarantor of mortgage backed securities and is a wholly owned government corporation.

GNMA guarantees investors the timely payment of principal and interest on MBS backed by federally insured or guaranteed loans — mainly loans insured by the Federal Housing Administration (FHA) or guaranteed by the Department of Veterans Affairs (VA).

GNMA has possession, custody, and control of records to which Plaintiff seeks access, however because HUD facilitates requests for documents demanded from GNMA, both parties are responsible to the Plaintiff for the request made as dated September 18, 2018.

Neither defendant has complied with the current FOIA processing time for routine FOIA requests (30 days), nor complex FOIA requests (45 days), and has failed to comply with the time limit set forth in 552(a)(6)(A).

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

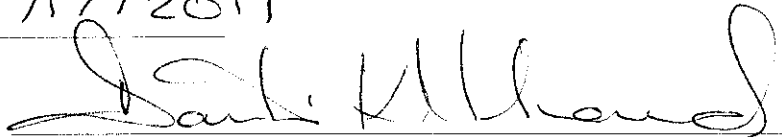
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

4/17/2019

Signature of Plaintiff



Printed Name of Plaintiff

DANTE K MUHAMMAD

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address



Dante Muhammad <dante.muhammad@gmail.com>

19-FI-HQ-00115 AFFIRMATION NEEDED FROM REQUESTER

Smith, William D <William.D.Smith@hud.gov>

Thu, Apr 4, 2019 at 11:03 AM

To: Dante Muhammad <dante.muhammad@gmail.com>

Hello Mr. Muhammad and thanks for following up. Your hardcopy was received on 4/1/2019 and has allowed your request to move to the next stage of the review process.

Keep in mind that many requests are being reviewed ahead of your request as the Department adheres to a first in and first out procedure. However, the Department's release to you will be completed as soon as possible.

[Quoted text hidden]

AFFIDAVIT

STATE OF MICHIGAN

COUNTY OF _____

I Kendall L. Williams the undersigned mailer/server, being of sound mind and under no duress, do hereby certify, attest and affirm that the following facts are true and correct, to wit:

1. That, on 03/28/, 2019 - on behalf of Dante Muhammad, a natural sentient being, the undersigned personally deposited the following document:

	<u>U.S. Certified Mail Recording Number</u>	<u>Number of Pages</u>
1. Affirmation / Declaration	70160910000117393673	2
2. Reminder Note for Requester	70160910000117393673	1
3. FOIA Control No. 19-FI-HQ-00115 letter from William Smith dated 3/22/2018	70160910000117393673	1

inside the envelope, sealed them and transmitted them via the carrier indicated below, to wit:

U.S. Department of Housing and Urban Development
451 Seventh Street, SW
Room 10139
Washington, DC 20410

2. That I am at least 18 years of age;
3. That I am not related to any of the above mentioned persons by blood, marriage, adoption, or employment, but serve as a "disinterested third party" (herein "Server"); and further,
4. That I am in no way connected to, or involved in or with, the person and/or matter at issue in this instant action.

I now affix my signatory to these affirmations.

(Signatory): Kendall L. Williams, Mailer/Server

(Printed Name): Kendall L. Williams

Dated this 28 day of March, 2019

JURAT

Sworn and Subscribed before me, a public notary; On the date noted below, the above signed Secured Party personally presented him/her self before me with these and proved to me on the basis of satisfactory evidence and identification to be the man or woman whose name is subscribed to the within instrument, and acknowledged to me that he or she executed the same in his/ her authorized capacity, and that by his/ her signature on the instrument, the person or the entity upon behalf of which the man acted, signed under oath or asseveration, and accepts the truth thereof.

SWORN to and subscribed before me, this the 8 day of March, 2019.

Dayna Swift
NOTARY PUBLIC

My Commission Expires:

7-14-2023

DAYNA SWIFT
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 07-14-2023
ACTING IN OAKLAND COUNTY

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

WASHINGTON, DC 20410

Certified Mail Fee	\$3.50
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.55

Total Postage and Fees \$4.05

0237
22

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03/25/2019

Sent To William Smith - HUD
Street and Apt. No., or PO Box No. 451 Seventh St. SW Room 10139
City, State, ZIP+4® Washington, DC 20410

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7016 0910 0001 1739 3673



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-0001

OFFICE OF ADMINISTRATION

October 19, 2018

SENT VIA E-MAIL

Mr. Dante Muhammad
24604 Templar Avenue
Southfield, MI 48075

RE: Freedom of Information Act Request
FOIA Control No.: 19-FI-HQ-00115

Dear Mr. Muhammad:

This letter acknowledges the Department of Housing and Urban Development's receipt of your Freedom of Information Act (FOIA) request dated September 18, 2018. Your request was received in the Department's FOIA Branch on October 18, 2018.

Pursuant to the FOIA, 5 U.S.C. 552(a)(6)(A)(i), once HUD properly receives a FOIA request, the Department has 20 working days within which to make a determination on the request unless unusual circumstances exist. Under unusual circumstances, such as an agency's backlog or the need to examine a voluminous amount of records required by the request, HUD can extend the 20-day time limit for processing a request.

The Department will comply with your request to the extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly by Mr. William Smith. If you have any questions regarding your request, please contact Mr. Smith directly at (202) 402-2141 or via email at William.D.Smith@hud.gov.

Thank you for your interest in the Department's programs and policies.

Sincerely,

FOIA Branch
Office of the Executive Secretariat



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-0001

OFFICE OF ADMINISTRATION

March 22, 2018

Mr. Dante K. Muhammad
24604 Templar Avenue
Southfield, MI 48075

RE: Freedom of Information Act Request
FOIA Control No.: 19-FI-HQ-00115

Dear Mr. Muhammad:

This letter acknowledges the Department of Housing and Urban Development's receipt of your Freedom of Information Act (FOIA) request was dated September 18, 2018 and received October 18, 2018.

An individual's request for information pertaining to himself/herself is processed under both the FOIA and the Privacy Act (PA) to afford maximum access to records. Because you have asked for copies of records about yourself, HUD must verify your identity to ensure that your personal information is not released to anyone other than you, this includes your full name, current address, date, place of birth, and other personally identifying information. **In addition, your request must be made in writing, contain your signature, and the signature of each individual that you are requesting information about, and be notarized.** However, to proceed with processing your FOIA request, in respects to time, please email me a completed copy (Parts 1 and 3) of the required affirmation/declaration form that must be completed to satisfy the requirements of a perfected FOIA/Privacy Act request. Because you have not provided this documentation, your request is not a proper FOIA/PA request, and **HUD is unable to initiate or complete a search for responsive records until an emailed copy of the completed original hardcopy affirmation/declaration form is received.**

For your convenience, enclosed is an affirmation/declaration form that must be completed to satisfy the requirements of a perfected FOIA/Privacy Act request. **You (and co-borrower, if applicable) must complete this form and return its original hardcopy before any responsive records are released.** If HUD does not receive the completed form via email, or otherwise, within **15** business days from the date of this letter, the Department will assume that you no longer require the information requested, and your request will be administratively closed.

The Department will comply with your request to the extent permissible by law. If you have any questions regarding your request, please contact me, Mr. William Smith at william.d.smith@hud.gov or 202-402-2141. Thank you for your interest in the Department's programs and policies.

Sincerely,
William Smith
Government Information Specialist
Office of the Executive Secretariat

Enclosures:
Affirmation/Declaration
Reminder Note for Requester

AFFIRMATION/DECLARATION

Part 1.

This is to affirm that I, (the FOIA Requester),

Dante Koian Muhammad

(PRINT FULL NAME)

understand that any request for records maintained by the **Department of Housing and Urban****Development** that pertain to an individual must have this form completed and returned before any records can be released.

My present address is:

24604 Templar Ave Southfield, MI 48075

My email address is:

dante.muhammad@gmail.com

My phone number is:

313 743 8113

My date of birth is:

11/26/1972

My Social Security Number is (last 4 digits only):

6831

My place of birth was:

Southfield Michigan

My citizenship status is:

USA

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above. I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by, a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Executed on

3/22/2019

(DATE)

Dante K. Muhammad

(SIGNATURE OF FOIA REQUESTER/AFFIRMANT/DECLARANT)

Part 2.

In the case of third party requests, this portion must also be signed and completed by the individual(s) requesting any records that does not pertain to him/her.

I, Print Contact Name:

Contact Signature:

at phone number:

and email address

do

hereby authorize

access to my records,

and

(PRINT FULL NAME OF FOIA REQUESTER)

I request that any located and dis-closable records be forwarded to the FOIA Requester I have authorized access to my records at the following address:

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above. I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a (i)(3) by a fine of not more than \$5,000.

AFFIRMATION/DECLARATION

Part 3.

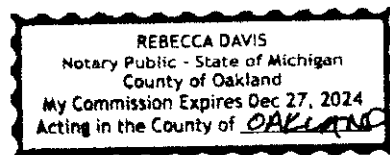
Executed on March 22, 2019 (DATE)
[Signature]
(SIGNATURE OF FOIA REQUESTER/AFFIRMANT/DECLARANT)

HUD FOIA CASE Number.: [19-FI-HQ-00115]

PLEASE RETURN TO: U.S. Department of Housing and Urban Development
451 Seventh Street, SW, Room 10139
Washington, DC 20410

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal in said State and County on the day and year last above written.

Notary Seal



[Signature] 3/22/2019
(Signature of Notary) Date

My Commission Expires: 12/27/2024

1

Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence." pursuant to 5 U.S.C. Section 552a(i)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

Reminder Note for Requester

Mr. Muhammad

If you were not the only person signing the documents requested, then Parts 1,2, and 3 of the above provided Affirmation/Declaration form must be completed. This is the only way to avoid the redaction of any information you have requested.

Also, please keep in mind that a completed and submitted hardcopy Affirmation is required for the FOIA Branch to release any information you have requested.



Dante Muhammad <dante.muhammad@gmail.com>

RE: FW: FOIA 19-FI-HQ-00115**Smith, William D** <William.D.Smith@hud.gov>

Tue, Mar 19, 2019 at 3:47 PM

To: Dante Muhammad <dante.muhammad@gmail.com>

Cc: "Snowden, Deborah R" <Deborah.R.Snowden@hud.gov>, "Smith, Tamara P" <Tamara.P.Smith@hud.gov>, "Ayers, Susan N" <Susan.Ayers@hud.gov>, "Bryant, Carlotta C" <Carlotta.C.Bryant@hud.gov>, "Calisi (Ctr), Dana" <Dana.Calisi2@hud.gov>, "Iba, Jennifer" <Jennifer.Iba@hud.gov>

Hello Mr. Muhammad,

Thanks for informing me. You are within your rights under the FOIA and the Department FOIA Branch will continue processing your FOIA request for a response to you.

*Sincerely,**William Smith***HUD Exec Sec/FOIA Branch****(202) 402-2141****From:** Dante Muhammad <dante.muhammad@gmail.com>**Sent:** Tuesday, March 19, 2019 9:52 AM**To:** Smith, William D <William.D.Smith@hud.gov>**Cc:** Snowden, Deborah R <Deborah.R.Snowden@hud.gov>; Smith, Tamara P <Tamara.P.Smith@hud.gov>; Ayers, Susan N <Susan.Ayers@hud.gov>; Bryant, Carlotta C <Carlotta.C.Bryant@hud.gov>; Calisi (Ctr), Dana <Dana.Calisi2@hud.gov>; Iba, Jennifer <Jennifer.Iba@hud.gov>**Subject:** Fwd: FW: FOIA 19-FI-HQ-00115

Good morning Mr. Smith,

While I appreciate your prompt attention to this matter, it has been six months and I still have not received the requested items as identified in the attachments provided with this correspondence.

While the current FOIA processing time for routine FOIA requests is 30 days and 45 days for complex FOIA requests, the excessive delay to provide the information requested is both unreasonable and unacceptable.

Considering I have been agreeable to separating the information requested as discussed in the chain of this correspondence, please take notice of my intent compel the Department of HUD and Ginnie Mae to provide the information requested in Federal Court unless the information referenced in my original request dated September 18, 2018 is sent to me no later than March 29, 2019.

Under the FOIA, the Department of Housing and Urban Development is required to disclose records upon receiving a written request for them, except for those records (or portions of them) that are protected from disclosure by nine exemptions and three exclusions of the FOIA.

This right of access is enforceable in court, and a recent executive order directs that this right of access be supported at the administrative agency level by a "citizen-centered and results-oriented approach" to implementation of the Freedom of Information Act.

Because the U.S. Department of Housing and Urban Development regulates Ginnie Mae, the Federal Court has jurisdiction pursuant to 5 U.S.C. § 552(a)(4)(B) to compel both parties to comply with the FOIA.

Consequently, if the information requested is not received by me by the time mentioned above, recovery of all expenses in pursuit of compliance to provide the information requested not limited to compensatory damages for my time spent will be sought.

Respectfully,

Dante Muhammad

24604 Templar Ave.

Southfield, Michigan 48075

Confidentiality Notice This email message and its attachments are covered by Electronic Communications Privacy Act, 18 U.S.C ss 2510-2521 and is intended only for use of person or entity to which it is addressed. If you are not the intended recipient or have received this message in error, you are prohibited from disseminating or otherwise using this information under law.**

----- Forwarded message -----

From: **Dante Muhammad** <dante.muhammad@gmail.com>
Date: Mon, Mar 11, 2019 at 8:44 AM
Subject: Re: FW: FW: FOIA 19-FI-HQ-00115
To: Smith, William D <William.D.Smith@hud.gov>

Thank you for the update Mr. Smith. I'm aware of item number 3 from your previous correspondence, and because of the amended request I made for item number 3 to be provided to me separately, I have been awaiting items number 1 and 2.

While I understand your effort to return the items requested, regulations stipulate the time frame for delivery of information. I do not consent to allowing any further time to obtain information regarding the request made and will expect items number 1 and 2 respectively.

I anticipate item number 3 will be provided on another track. Again, thank you for your efforts however the time frame allowable at this moment is not flexible.

On Mon, Mar 11, 2019 at 6:31 AM Smith, William D <William.D.Smith@hud.gov> wrote:

Hello Mr. Muhammad, there is still a search for a response to item 3 of your request. To clarify, the Ginnie Mae subject matter experts have responded to items 1 and 2; so, item 3 is the drawback to moving forward in the process.

Also, the Ginnie Mae (GNMA) subject matter experts are consistently steeped in their day to day operations and have not yet completed all the Department requires for adequately providing responsive FOIA requested information.

In addition, your request is being processed along with many other FOIA requests received by the Department. Much consideration and effort is being used to complete your request as soon as possible. However, you must keep in mind that the Department uses a first in and first out FOIA process and there are many FOIA requests received by the Department that are ahead of yours. I assure you, that the Department will complete your request soon as possible.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>

Sent: Friday, March 08, 2019 9:12 AM

To: Smith, William D <William.D.Smith@hud.gov>

Subject: Re: FW: FOIA 19-FI-HQ-00115

Good morning William. I'm just checking with you to find out where we stand as of today's date with the requested material.

Thank you,

On Thu, Feb 21, 2019 at 2:07 PM Smith, William D <William.D.Smith@hud.gov> wrote:

Okay, we will expedite as much as we can, but please understand that the FOIA Branch staff has no control over the Departments' subject matter experts who provide the responsive documents as regulated by the FOIA and the Departments' processing system.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>
Sent: Thursday, February 21, 2019 2:00 PM
To: Smith, William D <William.D.Smith@hud.gov>
Subject: Re: FW: FW: FOIA 19-FI-HQ-00115

Thank you,

Please expedite items 2 & 3 to me, as I will request item no. 1 separately.

On Thu, Feb 21, 2019 at 1:55 PM Smith, William D <William.D.Smith@hud.gov> wrote:

Mr. Muhammad,

Please pardon my oversight. The GNMA subject matter expert has identified Item 1 in need of follow up, so you should exclude item1 from this request to enable the FOIA Branch staff to move ahead with a response for items 2 and 3 as originally requested

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>
Sent: Thursday, February 21, 2019 1:28 PM
To: Smith, William D <William.D.Smith@hud.gov>
Subject: Re: FW: FW: FOIA 19-FI-HQ-00115

Thanks for your attention to this matter Mr. Smith,

Please release items 1 & 2 to me. I will request item number 3 separately.

On Thu, Feb 21, 2019 at 12:13 PM Smith, William D <William.D.Smith@hud.gov> wrote:

Mr. Muhammad,

In brief, responses for item 1 and 2 can now be prepared for your request.

Since, January, 2018, email correspondence, the Ginnie Mae (GNMA) subject matter experts found a discrepancy with the response they provided and have asked to hold until they can follow up to rectify a response for item 3.

So, the exclusion of item 2 is no longer needed, but if you 'd like you may exclude item 3 from this request to enable the FOIA Branch staff to move ahead with a response for items 1 and 2 as originally requested.

Presently, HUD FOIA request can only be submitted via email at HudFOIA@hud.gov.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>

Sent: Thursday, February 21, 2019 10:16 AM

To: Smith, William D <William.D.Smith@hud.gov>

Subject: Re: FW: FW: FOIA 19-FI-HQ-00115

No, separately.

Otherwise, just looking for an update on the request I amended.

On Thu, Feb 21, 2019, 10:13 AM Smith, William D <William.D.Smith@hud.gov> wrote:

Hello Mr. Muhammad,

Apparently you are now reinstating your request for item 2 as stated in your initial HUD FOIA request. If so, please, confirm that via email to at your earliest convenience.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>

Sent: Wednesday, February 20, 2019 9:44 AM

To: Smith, William D <William.D.Smith@hud.gov>

Cc: HUDFOIA <HUDFOIA@hud.gov>

Subject: Re: FW: FOIA 19-FI-HQ-00115

Hello Mr. Smith,

Notwithstanding any update you may be able to provide regarding the above referenced FOIA request, please be advised that when I attempted to make a separate FOIA request as discussed in this thread, the website (<https://hudpal.foia-host.com>) simply loops back to HUD's main web page, therefore I'm unable to make the request online.

As to any documents that may be exempt under FOIA section 552(b), I request that HUD exercise its discretion in favor of disclosing this material. It is understood that pursuant to FOIA section 552(b), any "reasonably segregable portion of a record will be provided" should a determination be made that a part of this material is not disclosable.

That said; please expedite a copy of Form HUD 11702 related to VA Loan #292960739718 / GNMA Backed Pool 00AN6566CD in the possession of the Government National Mortgage Association (GNMA) pursuant to the Freedom of Information Act, 5 USC §552. I am an indispensable party to this referenced account and I request a waiver of all fees for this request. If a waiver cannot be accommodated, I am willing to pay fees for this request up to a maximum of \$20.00.

If however this request is denied, I request a detailed statement of the reasons for the withholding or an index or similar statement of the nature of the document withheld.

Please be advised that disclosure of the requested information to me is in the public interest because it is likely to contribute significantly to public understanding of the operation of activities of the government and is not primarily in my commercial interest.

On Tue, Jan 29, 2019 at 6:31 AM Smith, William D <William.D.Smith@hud.gov> wrote:

Hello Mr. Muhammad, you're quite welcome. As requested for modification, your FOIA request will be updated for processing through the review stages for release to you as soon as possible. However, please keep in mind all conditions related to the Departments' current operations.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>
Sent: Monday, January 28, 2019 11:52 AM
To: Smith, William D <William.D.Smith@hud.gov>
Subject: Re: FW: FOIA 19-FI-HQ-00115

Thank you Mr. Smith,

Please exclude item number 2 from this request and provide all other information to me as originally requested.

On Mon, Jan 28, 2019 at 10:28 AM Smith, William D <William.D.Smith@hud.gov> wrote:

Mr. Muhammad,

To remove item 2, state via email to me that you are excluding item 2 from your FOIA request. Then resubmit item2 as a separate request via the Department's online FOIA portal.

Since there has been no item 2 response from the responsible program office, the FOIA Branch review cannot be finalized.

Presently, I cannot verify what item 2 states due to the FOIA system contract expiration and your FOIA request being beyond my review in the process.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>
Sent: Monday, January 28, 2019 10:00 AM
To: Smith, William D <William.D.Smith@hud.gov>
Subject: Re: FW: FOIA 19-FI-HQ-00115

Item no. 2 is the copy of Form HUD 11702 - correct?

If I were to remove and resubmit this particular item, how would I do that and how would that affect the time line for my request?

Thank you,

Hello Mr. Muhammad,

Would you like to remove item 2 from your request and resubmit it as a separate request? If so, we may be able to complete your request without further program office delays.

Your FOIA request 19-FI-HQ-00115 has no update as of 1/28/2019 from the appropriate program office, due to the most recent federal government shutdown the Department has been subject to. Please, we can only ask you to employ more patience.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: Dante Muhammad <dante.muhammad@gmail.com>
Sent: Friday, January 11, 2019 11:44 AM
To: Smith, William D <William.D.Smith@hud.gov>
Subject: Re: FW:

Good morning Mr. Smith, Is there an update as of today's date?

On Thu, Dec 6, 2018 at 6:19 AM Smith, William D <William.D.Smith@hud.gov> wrote:

Hello Mr. Muhammad,

Your FOIA request 19-FI-HQ-00115 has received a response for items 1 and 2 from the GNMA subject matter experts; however, they have not yet received a response to provide the Department's FOIA Branch for item 2 and are following up on the matter. Therefore, HUD's FOIA Branch staff will ensure that your FOIA response includes all three items as requested for completing the Department's FOIA process as soon as possible.

If you would like to modify your FOIA request, please provide your modification to me via email at your earliest convenience.

Sincerely,

William Smith

HUD Exec Sec/FOIA Branch

(202) 402-2141

From: milinks@powerschapman.com <milinks@powerschapman.com>
Sent: Wednesday, December 05, 2018 11:17 AM
To: Smith, William D <William.D.Smith@hud.gov>

4/17/2019

Case 2:19-cv-11117-AC-APP ECF No. 1 filed 04/17/19 PageID.28 Page 28 of 30

Gmail - RE: FW: FOIA-19-FI-HQ-00115

Cc: dante.muhammad@gmail.com

Subject:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DANTE K MUHAMMAD

DEFENDANTS

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT / GINNIE MAE

(b) County of Residence of First Listed Plaintiff **OAKLAND**
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant **DISTRICT OF COLUMBIA**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF

(c) Attorneys (Firm Name, Address, and Telephone Number)

Case:2:19-cv-11117

Judge: Cohn, Avrom

MJ: Patti, Anthony P.

Filed: 04-17-2019 At 12:39 PM

CMP DANTE K. MUHAMMAD V U.S. DEPART
MENT OF HOUSING AND URBAN DEVELOPMENT,

intiff

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITI

(For

Citizen of This State

Citizen of Another State

Citizen or Subject of a
Foreign Country

PTF DEF

☒ 1 ☐ 1

Incorporated or Principal Place

of Business In This State

☐ 2 ☐ 2

Incorporated and Principal Place

of Business In Another State

☐ 3 ☐ 3

Foreign Nation

☐ 4 ☐ 4☐ 5 ☒ 5☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

5 USC 552

VI. CAUSE OF ACTION

Brief description of cause:

UNLAWFULLY WITHHOLDING RECORDS

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☒ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :
